

BOARD MEETING DATE: September 5, 2003

AGENDA NO. 13

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of July 1 through July 31, 2003.

COMMITTEE: Not Applicable

RECOMMENDED ACTION:
Receive and file this report.

Edward Camarena
Chairman of Hearing Board

EC:SM:rd

Two summaries are attached: **Rules from Which Variances and Orders for Abatement Were Requested in 2003 and July 2003 Hearing Board Cases.**

The total number of appeals filed during the period July 1 to July 31, 2003 is 1, and the total number of appeals filed during the period January 1 to July 31, 2003 is 7.

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Report of July 2003 Hearing Board Cases

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Caddock Electronics, Inc. Case No. 5351-1 (A. Mednick)	203(b) 1122(g)(3) 1122(d)(1)(B)	Petitioner needs additional time to resolve unanticipated operational problems with new airless, airtight cleaning systems.	Not Opposed/Granted	MFCD/EXT granted for Facility I.D. No. 034764 only commencing 07/23/03 and continuing through 11/14/03.	PERC .9 lb/day VOC .2 lb/day
2. Chevron Products Company Case No. 831-317 (N. Feldman)	203(b)	Bladder on vapor holding tank of vapor recovery system failed.	No Position/Granted	Ex Parte granted commencing 7/16/03 and continuing for 30 days or until the EV hearing currently scheduled for 7/23/03, whichever comes first.	TBD
3. Chevron Products Company Case No. 831-317 (R. Baggs)	203(b)	Bladder on vapor holding tank of vapor recovery system failed.	Not Opposed/Granted	EV granted commencing 7/23/03 and continuing through 8/15/03, the FCD.	VOC
4. City of Los Angeles, General Services Department Case No. 5190-1A (A. Mednick)	203(b) 461(c)(1)(A) 461(c)(1)(B)	City seeking certification of non-certified remote fill underground gasoline storage tanks.	Not Opposed/Granted	RV granted commencing 7/16/03, and continuing through 10/14/04, the FCD.	TBD
5. City of Pasadena Case No. 2244-17 (B. Theis)	203(b) 461(c)(1)(B)	Petitioner installed non-certified remote fill underground gasoline storage tanks.	Not Opposed/Granted	RV granted commencing 7/1/03 and continuing through 10/14/03, the FCD.	VOC 8.9 lbs/day
6. City of Pasadena Case No. 2244-18 (B. Theis)	203(b) 461(c)(1)(B)	Petitioner installed non-certified remote fill underground gasoline storage tanks.	Not Opposed/Granted	RV granted commencing 7/1/03 and continuing through 10/14/03, the FCD.	VOC 1.6 lbs/day
7. City of Pasadena Case No. 2244-19 (B. Theis)	203(b) 461(c)(1)(B)	Petitioner installed non-certified remote fill underground gasoline storage tanks.	Not Opposed/Granted	RV granted commencing 7/1/03 and continuing through 10/14/03, the FCD.	VOC 3.2 lbs/day
8. City of Pasadena Case No. 2244-20 (B. Theis)	203(b) 461(c)(1)(B)	Petitioner installed non-certified remote fill underground gasoline storage tanks.	Not Opposed/Granted	RV grant commencing 7/1/03 and continuing through 10/14/03, the FCD.	VOC 0.4 lb/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
9. ConocoPhillips Company Case No. 4900-58 (B. Theis)	203(b) 1158(d)(2) 2004(f)(1)	Petitioner seeks authority to store coke in structure with open roof panels. Panels must be temporarily removed while structural repairs are made to the coke storage "barn" and conveyors.	Not Opposed/Granted	SV granted for 60 days in a window of time commencing 7/2/03 and continuing through 9/30/03, the FCD.	VOC less than 90 lbs/day
10. ConocoPhillips Company Case No. 4900-59 (C. Engelhardt)	203(b) 2004(f)(1) 2011(c)(2)(A) 2012(c)(2)(A)	Failure of boiler #10 rendered CEMS non-operational, and boiler #11 needs to be operated without FGR to conduct safety evaluation.	Not Opposed/Granted	IV granted as to Boiler No. 10 only commencing 7/31/03 and continuing for 90 days or until the RV hearing currently scheduled for 9/4/03, whichever comes first. The Board continued the IV hearing for Boiler No. 11 to 8/13/03.	None
11. Custom Fiberglass Manufacturing Company Case No. 4974-3 (A. Mednick)	203(b) 1145(c)(6)	Catalyst poisoned. Time delay in obtaining replacement catalyst.	Opposed/Denied	Ex Parte denied.	
12. Custom Fiberglass Manufacturing Company Case No. 4974-3 (E. Sernel)	203(b) 1145(c)(6) 1171(c)(5)	Catalyst poisoned. Time delay in obtaining replacement catalyst.	Not Opposed/Granted	EV granted commencing 7/9/03 and continuing through 7/16/03, the FCD.	VOC No more than 145 lbs/day
13. ExxonMobil Oil Corporation Case No. 1183-371 (N. Feldman)	203(b) 2004(f)(1) 2011(c)(2) 2011(e)(1) 2011(k) 2012(c)(2) 2012(g)(1) 2012(m)	Repairs are needed to prevent severe damage to malfunctioning induction fan. The SCR must be bypassed in order to make repairs.	Not Opposed/Granted	Ex Parte granted commencing 7/30/03 and continuing for 30 days or until the EV hearing currently scheduled for 8/6/03, whichever comes first.	NOx 1200 lbs/day
14. Gulfstream Aerospace Corporation Case No. 4327-1 (No Appearance; Consent Calendar)	203(a)	Petitioner awaiting issuance of permit by the District.	Not Opposed/Granted	MFCD/EXT granted commencing 7/10/03 and continuing through 1/15/04.	None

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
15. Hixson Metal Finishing Case No. 5418-1 (B. Theis)	203(b)	Fire destroyed ducts leading to air pollution control device.	Not Opposed/Granted	Ex Parte granted commencing 7/10/03 and continuing through 7/19/03, the FCD.	None
16. Murphy Industrial Coatings Case No. 5414-1 (A. Mednick)	1113(c)(2)	Petitioner using non-compliant, high VOC primer.	Not Opposed/Dismissed	EV dismissed for lack of good cause.	
17. Northrop Grumman Space Missions System Corporation Case No. 3534-14 (No Appearance; Consent Calendar)	203(b) 1164(c)(1)(B) 1164(c)(2) 2004(f)(1) 3002(c)(1)	Petitioner awaiting Title V permit process to conclude so it can proceed with repairs and modification of control equipment.	Not Opposed/Granted	RV granted commencing 7/10/03 and continuing through 10/24/03, the FCD.	VOC .25 lb/day
18. Nuevo Energy Company Case No. 5089-9 (A. Mednick)	203(b) 1110.2(d)(1)(B) 2004(f)(1)	Source test revealed IC engine exceeded applicable VOC limit. Petitioner needs to operate to tune and retest IC engine.	Not Opposed/Granted	IV granted commencing upon 48 hours advance notice to the District of the performance of the source test and continuing through the RV hearing currently scheduled for 9/2/03 or when final compliance is achieved, whichever occurs first.	VOC less than .2 lb/day
19. Nuevo Energy Company Case No. 5089-10 (C. Engelhardt)	203(b) 2004(f)(1) 1110.2(d)(1)(B)	Preliminary test results indicate diesel engine may exceed NO _x limit.	Opposed/Denied	Ex Parte Denied.	
20. Nuevo Energy Company Case No. 5089-10 (C. Engelhardt)	203(b) 2004(f)(1) 1110.2(d)(1)(B)	Test revealed engine serving crane on offshore platform exceeds VOC limit.	Not Opposed/Granted	IV granted commencing 7/31/03 and continuing for 90 days or until the RV hearing currently scheduled for 9/4/03, whichever comes first.	VOC .481 lb/day
21. Paramount Petroleum Company Case No. 2914-68 (E. Sernel)	202(a) 2004(f)(1)	Source test on cogen revealed VOC exceeds permit limit.	Not Opposed/Granted	Ex Parte granted commencing 7/18/03 and continuing for 30 days or until the IV hearing currently scheduled for 7/29/03, whichever comes first.	VOC 16 lbs/day
22. Paramount Petroleum Corporation Case No. 2914-68 (K. Rodo)	202(a) 2004(f)(1)	Test of new cogen system shows it exceeds VOC limit in permit.	Not Opposed/Granted	IV granted commencing 7/29/03 and continuing for 90 days or until the RV hearing currently scheduled for 9/17/03, whichever comes first.	VOC 9 lbs/day

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
23. Praxair Inc. Case No. 4616-9 (C. Engelhardt)	203(b) 2004(f)(1)	Vessel deaerator cannot comply with permit condition. Petitioner will seek change in condition.	Not Opposed/Granted	RV granted commencing 7/29/03 and continuing through 5/20/04, the FCD.	Methanol .5 lb/day
24. Praxair, Inc. Case No. 4616-10 (B. Theis)	203(b) 2004(f)(1)	Petitioner seeks variance from requirement to install a CEMS for NH ₃ on its SCR while appeal pending. In addition, petitioner seeks relief from time limits for startups and shutdowns.	No Position/Granted	IV granted commencing 7/16/03 and continuing for 90 day or until the RV hearing currently scheduled for 8/26/03, whichever comes first.	NOx 11lbs/day
25. Reliant Energy Etiwanda, LLC Case No. 5250-6 (A. Mednick)	203(b) 2004(f)(1) 3002(c)(1)	Defects in NH ₃ control valves resulted in excess NO _x .	Not Opposed/Granted	EV granted for 120 hours in a window of time commencing 7/24/03 and continuing through 8/22/03, or until compliance with the 7 ppm rolling average over 720 hours is achieved, whichever comes first	NOx 142 lbs/day
26. Saint-Gobain Container, Inc. Case No. 108-31 (E. Sernel)	203(b) 404(a) 405(a) 409 2004(f)(1) 2011(c)(2)(A) 2011(e)(1) 2011(k) 2012(c)(2)(A) 2012(g)(1) 2012(m)	Petitioner needs to bypass ESP in order to correct malfunctioning of fields.	Not Opposed/Granted	Ex parte granted commencing 7/16/03 and continuing through 7/18/03, the FCD.	TBD
27. SCAQMD vs. American Waste Industries Case No. 5386-1 (C. Engelhardt)	402	District seeks time extension for O/A.	Not Stipulated/Issued	Mod. O/A issued commencing 7/31/03 and continuing through 10/31/03. The Board shall retain jurisdiction over this matter until 10/31/03.	
28. SCAQMD vs. California School for the Deaf, Riverside Case No. 5413-2 (M. Golden Krasner)	203(b) 1146(c)(4)	Respondent operates non-compliant boilers with excess NO _x emissions.	Stipulated/Issued	O/A issued commencing 7/23/03 and continuing through 4/1/04. The Board shall retain jurisdiction over this matter until 4/1/04.	

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
29. SCAQMD vs. Domestic Uniform Rental, Inc. Case No. 5408-2 (B. Theis)	203(a)	Respondent has been operating five driers without a valid permit to operate.	Stipulated/Issued	O/A issued commencing 7/30/03 and continuing through to 1/15/05. The Board shall retain jurisdiction over this matter until 1/15/2005.	
30. SCAQMD vs. Naturalife Eco Vite Laboratories, Incorporated, dba Paragon Laboratories Case No. 5335-1 (No Appearance; Consent Calendar)	203(a) 1103 1131	Unforeseen delays in obtaining city permits prevents respondent from installing control equipment by date specified in O/A.	Stipulated/Issued	Mod. O/A issued and extended commencing 7/2/03 and continuing through 8/1/03. The Board shall retain jurisdiction over this matter until 9/30/03.	
31. SCAQMD vs. Phuong T. Nguyen, individually and dba Sully's Collision Case No. 5410-1 (B. Theis)	203(a)	Respondent operating paint spray booth without permit to operate.	Not Stipulated/Issued	O/A issued commencing 7/17/03 and continuing through 7/17/04. The Board shall retain jurisdiction over this matter until 7/17/04.	
32. SCAQMD vs. PurEnergy Operating Services, LLC and Alliance Colton, LLC Case No. 5227 (No Appearance; Consent Calendar)	202(a) 203(b) 218(b)(2) 2004(f)(1) 2012(c)(2)(A)	Previously issued O/A requires installation of costly multi-point sampling probes on eight electric generating gas turbines. New information reveals the probes are not necessary.	Stipulated/Issued	Mod. I/P and Condition of an O/A acting as a variance issued commencing 7/2/03 and continuing through 11/30/03. The Board shall retain jurisdiction over this matter until 11/30/03.	
33. SCAQMD vs. RWP Transfer, Inc., dba Recycled Wood Products Case No. 5403-1 (B. Theis)	203(a)	Respondent operates diesel engine without permit to operate.	Stipulated/Issued	O/A issued commencing 7/8/03 and continuing through 7/8/04. The Board shall retain jurisdiction over this matter until 7/8/04.	
34. Southern California Edison Company Case No. 1262-78 (B. Theis)	2009.1(f)(2)	Petitioner awaiting issuance of P/C so it can install SCR per Rule 2009.1 Compliance Plan.	Opposed/ Dismissed	EV dismissed for lack of good cause.	
35. Southern California Edison Company Case No. 1262-78 (B. Theis)	203(b) 2004(f)(1) 2009.1(f)(2)	Petitioner awaiting issuance of P/C so it can install SCR per Rule 2009.1 Compliance Plan.	Not Opposed/Granted	SV granted commencing 7/17/03 and continuing through 10/8/03, the FCD.	NOx 3,000 lbs/unit for generator Nos. 7, 8,10 and 14 for the total variance period.

Case Name and Case No.	Rules	Reason for Petition	District Position/ Hearing Board Action	Type and Length of Variance	Excess Emissions
36. Techni-Cast Corporation Case No. 5422-1 (N. Feldman)	203(b)	CEMS and dosing system failed to operate properly after power interruption.	Not Opposed/Granted	EX Parte granted commencing 7/25/03 and continuing for 30 days or until the EV hearing currently scheduled for 7/29/03, whichever comes first.	NOx TBD

Key to Acronyms

- EV: Emergency Variance
- IV: Interim Variance
- SV: Short Variance
- RV: Regular Variance
- H&S: Health & Safety Code
- TBD: To be determined
- FCD: Final Compliance Date
- MFCD/EXT: Modification of a Final Compliance Date and Extension of a Variance
- IA: Interim Authorization
- NOx: oxides of nitrogen
- VOC: volatile organic compound
- PERC: Perchloroethylene

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
461(e)(4)														0			
461(e)(5)														0			
461(e)(7)														0			
462(c)(1)(A)(ii)														0			
462(c)(3)(B)														0			
462(c)(4)(B)(i)														0			
462(c)(7)(A)(ii)														0			
462(d)(1)(A)		1												1			
462(d)(1)(A)(ii)				2										2			
462(d)(2)(A)(i)														0			
462(e)(1)(E)		1												1			
462(e)(1)(E)(ii)				2										2			
462(e)(2)(A)(i)														0			
462(h)(1)				2										2			
463(c)		1			1									2			
463(c)(1)(A)														0			
463(c)(1)(A)(I)-(iv)														0			
463(c)(1)(B)														0			
463(c)(1)(C)														0			
463(c)(1)(D)														0			
463(c)(1)(E)														0			
463(c)(2)														0			
463(c)(2)(B)														0			
463(c)(3)(B)														0			
463(c)(3)(C)														0			
463(d)(2)		1		1			1							3			
463(e)(3)(C)														0			
463(e)(4)						1								1			
464(b)(1)														0			
468														0			
468(a)														0			
468(b)														0			
475(b)														0			
1103		1						1						2			
1104(c)(1)														0			
1106(c)(1)														0			
1106.1(c)(1)														0			
1106.1(c)(1)(A)														0			
1107(c)(2)														0			
1107(c)(7)														0			
1107(d)														0			
1110.2														0			
1110.2(d)(1)(B)								3						3			
1110.2(e)(1)(A)														0			
1113(c)(2)								1						1			
1118(d)(1)														0			
1118(d)(1)(2)														0			
1118(d)(1)(3)														0			
1118(d)(2)														0			
1118(d)(3)														0			
1118(d)(4)(B)														0			
1118(d)(5)(A)														0			
1118(d)(5)(B)														0			
1118(e)														0			
1118(f)														0			
1121														0			
1122(c)(2)(A)														0			
1122(c)(2)(E)														0			
1122(d)(1)(B)						1		1						2			
1122(d)(3)														0			
1122(e)(2)(A)														0			
1122(e)(2)(B)														0			
1122(e)(2)(C)														0			
1122(e)(2)(D)														0			
1122(e)(4)(A)														0			
1122(e)(4)(B)														0			
1122(g)(3)		2			2	1		1						6			
1124														0			
1124(c)(1)(A)														0			
1124(c)(1)(E)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Action			
1124(c)(4)														0			
1128(c)(1)														0			
1128(c)(2)														0			
1130(c)														0			
1131.0		1						1						2			
1130(c)(4)														0			
1132(d)(2)			1											1			
1132(d)(3)		1	1											2			
1134(c)														0			
1134(c)(1)														0			
1134(d)														0			
1134(d)(1)														0			
1134(d)(2)(B)(ii)														0			
1134(f)														0			
1134(g)(2)														0			
1135(c)(3)		1												1			
1135(c)(3)(C)														0			
1135(c)(4)		1												1			
1135(c)(4)(D)														0			
1135(e)														0			
1145(b)(2)						1								1			
1145(c)(2)														0			
1145(c)(6)								2						2			
1145(h)(1)(E)														0			
1145(h)(1)(E)														0			
1146														0			
1146(c)(3)(A)				1										1			
1146(c)(4)								1						1			
1146.1														0			
1146.1(c)(1)						2								2			
1146.1(c)(2)(B)														0			
1146.1(e)(1)(B)														0			
1146.2														0			
1146.2(c)(1)														0			
1146.2(c)(3)														0			
1150.1														0			
1150.1(d)(1)(C)(i)														0			
1150.1(d)(4)		1												1			
1150.1(d)(5)		1												1			
1150.1(d)(6)		1												1			
1150.1(d)(7)		1												1			
1150.1(e)														0			
1150.1(e)(1)														0			
1150.1(e)(2)														0			
1150.1(e)(3)														0			
1150.1(e)(1)(C)														0			
1150.1(e)(2)(C)														0			
1150.1(e)(3)(C)														0			
1150.1(e)(6)(A)(I)														0			
1150.1(e)(6)(A)(ii)														0			
1150.1(f)(1)(A)(iii)(I)														0			
1150.1(f)(1)(H)(i)														0			
1151(c)(1)(B)														0			
1151(c)(8)														0			
1151(2)														0			
1151(5)														0			
1151(d)(1)														0			
1151(e)(1)														0			
1151(e)(2)														0			
1153(c)(1)(B)														0			
1158														0			
1158(d)(2)								1						1			
1158(d)(5)														0			
1158(d)(7)														0			
1158(d)(7)(A)(ii)														0			
1158(d)(8)														0			
1164(c)(1)(B)						1		1						2			
1164(c)(2)						1		1						2			
1166(c)(2)														0			
1168(c)(1)														0			

	2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action
1168(c)(2)														0	
1171(c)(1)														0	
1171(c)(1)(A)(i)														0	
1171(c)(1)(b)(i)														0	
1171(c)(1)(i)														0	
1171(c)(5)								1						1	
1173(c)														0	
1173(d)(1)(c)							1							1	
1173(d)(1)(D)(iii)							1							1	
1173(f)(1)														0	
1173(g)(1)							1							1	
1175(c)(2)		1	1			1								3	
1175(c)(4)(B)(ii)(II)														0	
1176														0	
1176(e)(1)														0	
1176(e)(2)														0	
1176(e)(2)(B)														0	
1176(e)(3)(A)														0	
1176(e)(6)														0	
1189(C)(1)														0	
1189(c)(1)														0	
1303							1							1	
1303(a)(1)				1										1	
1401(d)(1)														0	
1401(d)(1)(A)														0	
1401(d)(1)(B)														0	
1405(d)(3)(C)														0	
1407(d)														0	
1407(d)(1)														0	
1407(d)(2)														0	
1407(d)(4)														0	
1407(f)(1)														0	
1415(d)(3)														0	
1418(d)(2)(A)														0	
1421														0	
1421(d)														0	
1421(d)(1)(C)														0	
1421(d)(3)(A)														0	
1425(d)(1)(A)														0	
1469														0	
1469(c)														0	
1469(c)(2)														0	
1469(d)(1)														0	
1469(e)(1)														0	
1469(e)(2)														0	
1469(h)														0	
1469(l)														0	
1189(c)(3)														0	
2004(c)(1)(C)														0	
2004(d)						1	1							2	
2004(f)(1)		6	5	8	6	4	7	15						51	
2004(k)														0	
2009(b)(2)							1							1	
2009(c)														0	
2009(f)(1)														0	
2009(f)(2)							1							1	
2009.1														0	
2009.1(c)														0	
2009.1(f)(1)														0	
2009.1(f)(2)							1	2						3	
2009.1(f)(3)							1							1	
2011 Appendix A														0	
2011 Attachment C														0	
2011(c)(2)		1			1			1						3	
2011(c)(2)(A)								2						2	
2011(c)(3)(A)														0	
2011(e)(1)					1			2						3	
2011(f)(3)														0	
2011(g)														0	
2011(k)								2						2	

2003	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Action		
2011(k) Appen. A, Chap. 2, except E & Attach C				1									1			
2011(k) Appen. A, Chap. 2, Section A.3 a-c, A.5 and B. 1-4 and Appen. A, Chap. 2, Section C.2.a, c & d													0			
2012 Appen. A, Attach. C, Sec. B.2			3			1							4			
2012 Appen. A, Attach. C, Sec. 7													0			
2012 Appen A													0			
2012 Appen A, Chap. 2													0			
2012 Appen A, Chap. 2, Sec. A													0			
2012 Appen A, Chap. 2, Sec. A1.g.													0			
2012 Appen A, Chap. 2, Sec. B													0			
2012 Appen A, Chap. 2, Sec. E													0			
2012(c)(2)	2	1		1	1		1						6			
2012(c)(2)(A)		2						3					5			
2012(c)(2)(B)													0			
2012(c)(3)					1								1			
2012(c)(3)(A)													0			
2012(c)(3)(B)													0			
2012(c)(10)													0			
2012(d)(2)(A)													0			
2012(d)(2)(D)													0			
2012(e)(2)(B)													0			
2012(g)(1)				1			2						3			
2012(g)(3)									2				0			
2012(h)(3)		1											1			
2012(h)(4)													0			
2012(h)(5)													0			
2012(h)(6)													0			
2012(i)													0			
2012(j)(2)								1					1			
2012(m)									2				2			
2012(m) Appen. A, Chp 2, except Sections E & Attach C.				1									1			
2012(m) Appen. A, Attach. C													0			
2012(m) Appen. A, Chap. 2, Sections 2.A.1 a-c, e.g, and B. 1-4 and Appendix A, Chapter 3, Section C.2 a, c & d													0			
3002(c)(1)	3	3	2		2	1	2						13			
H&S 41700	1					1							2			
H&S 41701	2	1	1										4			